



*Department of Planning, Building, and Code Enforcement*  
**HARRY FREITAS, DIRECTOR**

## **SUMMARY ABATEMENT ORDER AND NOTICE OF HEARING**

**SPENO ENTERPRISES, LP**  
**AGENT FOR SERVICE OF PROCESS:**  
**ANTHONY SPENO**  
**2300 GENG ROAD #200**  
**PALO ALTO, CA 94303**

**SPENO ENTERPRISES LP**  
**650 SPRING ST**  
**SANTA CRUZ, CA 95060**

**RE: 739 W. JULIAN STREET**  
**SAN JOSE, CA 95126**

**APN: 261-01-094**

AGENDA ITEM:	4b
HEARING DATE	November 12, 2015
HEARING TIME:	6:30 p.m.
HEARING PLACE:	City Hall, Council Chambers 200 E Santa Clara Street San Jose, CA 95113

### **TO THE PROPERTY OWNER AND ALL OTHER PERSONS HAVING ANY LEGAL INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY OF SAN JOSE:**

Please be advised that after inspections of the above described property by field investigators of the Code Enforcement Division, it has been determined that the property was found to be imminently dangerous based on the following conditions: five (5) door openings and one (1) wall opening were broken and unable to be secured. Code Enforcement Division found it necessary to secure five (5) door openings and one (1) wall opening to prevent unauthorized entry.

The costs of the abatement actions, including the total cost of the actions taken and any allowable inspection fees, will be invoiced to the property owner. The invoice shall be paid within 30 days from the date that the invoice is mailed. Failure to pay the invoice amount may result in the imposition of an assessment and a lien against the property in accordance with San Jose Municipal Code Section 17.02.350.

Any person having any record, title or legal interest in the property may appear and protest the abatement action taken as identified in this Notice of Hearing at the time and place specified above. Please be advised that pursuant to San Jose Municipal Code Section 17.02.120, the City Manager may file in the Office of the County Recorder a certificate declaring the property a Public Nuisance. Failure to file a written protest prior to the hearing date or to appear at such hearing will constitute a failure to exhaust the administrative remedies. Should you have any questions regarding this matter, please contact Tony Gonzalez, Code Enforcement Inspector, at (408) 535-7655.

Diane Buchanan, Code Enforcement Official  
Planning, Building and Code Enforcement

Enclosures

**OWNER: SPENO ENTERPRISES LP  
AGENT FOR SERVICE OF  
PROCESS: ANTHONY SPENO  
2300 GENG RD #200  
PALO ALTO, CA 94303**

**AGENDA ITEM: 4b  
HEARING DATE: November 12, 2015  
HEARING TIME: 6:30 p.m.  
HEARING PLACE: City Hall, Council Chambers  
200 E Santa Clara Street  
San Jose, CA 95113**

**SPENO ENTERPRISES LP  
650 SPRING STREET  
SANTA CRUZ, CA 95060**

**ADDRESS: 739 W. JULIAN STREET, SAN JOSE, CA 95126  
APN: 261-01-094**

## **INSPECTION REPORT**

### **Status of Property**

The commercial property 739 W. Julian Street, San Jose, CA 95126 ("Subject Property") is one parcel with three vacant abandoned commercial buildings. As part of this Summary Abatement, five (5) door openings and one (1) wall opening were secured by the City to prevent unauthorized entry.

### **San Jose Municipal Code Violations**

#### **17.72.030 Prohibition of Property Blight**

- A. No person, whether as owner, agent, manager, operator, lessee, tenant, sub-lessee, or occupant in possession of a property, shall maintain a blighted property or cause or permit property to be maintained as a blighted property.
- B. No person, whether as owner, agent, manager, operator, lessee, sub-lessee, tenant or occupant of a property, shall take any action or allow any action to be taken at that property in violation of any provision of this chapter or any order issued pursuant to the provisions of this chapter.

#### **17.72.505 Unsecured building or structure.**

Any building or structure that is unsecured constitutes property blight. A building or structure is unsecured when either of the following conditions exists:

- A. The building or structure is inhabited, occupied or used without the consent of the owner or the agent of the owner; or
- B. Unauthorized persons can readily gain entry to the building or structure without the consent of the owner or the agent of the owner.

**Five (5) door openings and one (1) wall opening were secured by the City to prevent unauthorized entry.**

**Chronology**

08/28/15      Code Enforcement received a complaint that the commercial buildings located at 739 W. Julian St. were vacant, abandoned, unsecured and occupied by several homeless/transient adult individuals.

Upon arrival, Inspector Gonzalez inspected the Subject Property and found all three commercial buildings vacant and unsecured. Inspector Gonzalez found the following: three (3) door openings, to the main building, broken and unable to be secured, one (1) door opening and one wall opening, to the second building, broken and unable to be secured and one (1) door opening, to the third building, broken and unable to be secured. Seven (7) photographs were taken of the Subject Property. See true and correct photographs attached hereto as **EXHIBIT A**.

On this same day, Inspector Gonzalez researched the Santa Clara County Assessor records and the Santa Clara County Recorder's records and confirmed that the Subject Property is owned by Speno Enterprises LP ("Property Owner") and the mailing address on record is 650 Spring Street, Santa Cruz, CA 95060. See true and correct copy of the grant deed attached hereto as **EXHIBIT B**.

On this same day, Inspector Gonzalez attempted to contact the property owner and the property owner's representative regarding the Subject Property and was unsuccessful.

On this same day, Inspector Gonzalez telephoned the City's contractor, "Tucker Construction", to secure the five (5) door openings and one (1) wall opening to prevent unauthorized access.

08/31/15      Inspector Gonzalez re-inspected the Subject Property and verified the property was secured by Tucker Construction. Five (5) photographs were taken of the Subject Property. See true and correct photographs attached hereto as **EXHIBIT C**.



### **CODE ENFORCEMENT STAFF RECOMMENDATIONS**

Staff recommends that the San Jose Appeals Hearing Board uphold the abatement actions taken by the City of San Jose to secure the Subject Property to prevent unauthorized entry.

### **ATTESTING STATEMENT OF CODE ENFORCEMENT INSPECTOR**

1. I am the Code Enforcement Inspector for the City of San Jose assigned to investigate the potential Municipal Code Violations at 739 W. Julian Street, San Jose, CA 95126, that are the subject of this Inspection Report.
2. I have prepared and reviewed this Inspection Report and can attest to the truth of the matters stated above.

  
\_\_\_\_\_  
Tony Gonzalez, 059E  
Code Enforcement Inspector II

# Exhibit A

739 W. Julian Street  
Front of Building 1

August 28, 2015





739 W. Julian Street  
Rear of Building 1

August 28, 2015

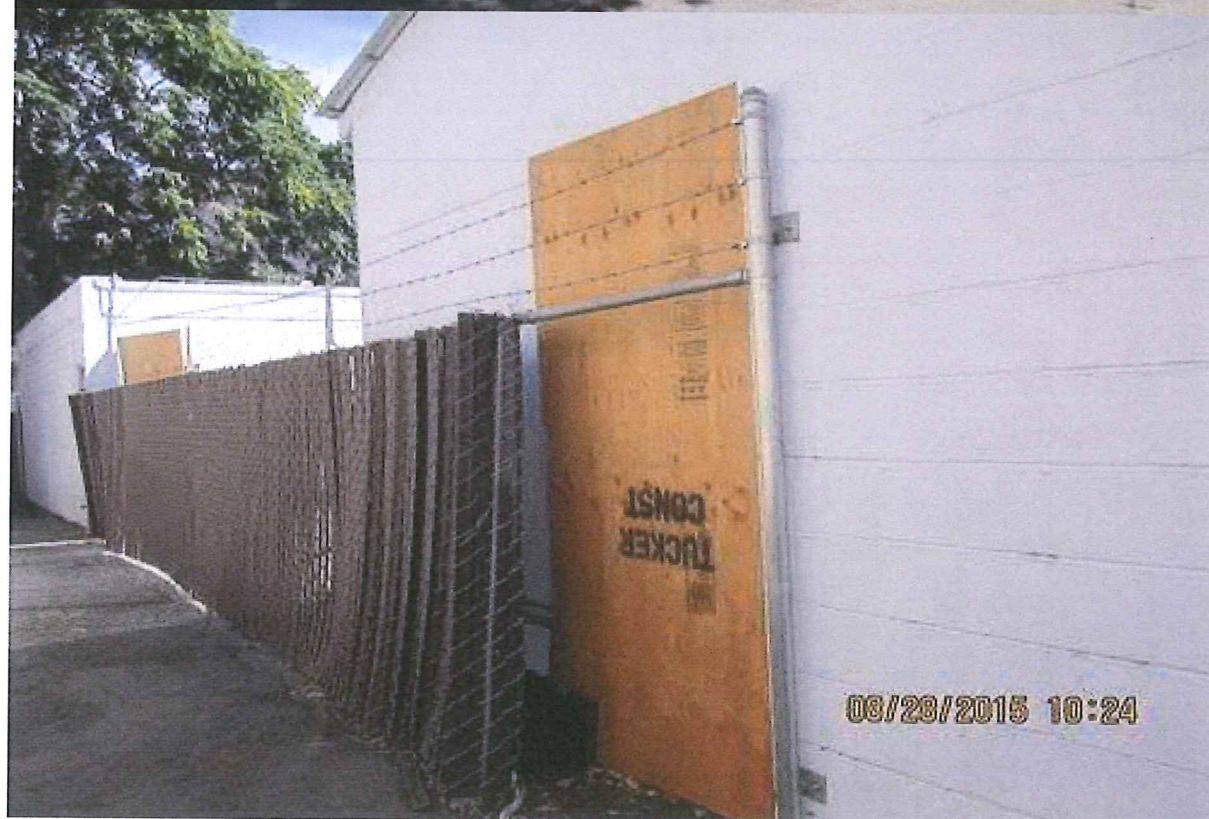




739 W. Julian Street

August 28, 2015

Front of Building 2 / Rear Wall of Building 2





739 W. Julian Street  
Front of Building 3

August 28, 2015



# Exhibit B



RECORDING REQUESTED BY:

Old Republic Title Company

Order No.: 0616011402-  
APN: 261-01-094

When Recorded Mail Document and Tax Statements to:

Speno Enterprises LP  
650 Spring Street  
Santa Cruz, CA 95060

DOCUMENT: 22744780



Pages: 4

Fees...	34.00
Taxes...	11272.80
Copies...	.00
AMT PAID	11306.80

REGINA ALCOMENDRAS  
SANTA CLARA COUNTY RECORDER  
Recorded at the request of  
#625 OLD REPUBLIC ER - SPL

RDE # 006  
10/20/2014  
01:54 PM

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Declarant: x

Declarant - J. Hinkle

**Grant Deed**

The undersigned grantor(s) declare(s):  
Documentary Transfer Tax is \$2,818.20  
(X) computed on full value of property conveyed, or  
( ) computed on full value less of liens and encumbrances remaining at time of sale.  
( ) Unincorporated area: (X) City of San Jose \$8,454.60

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Sumo Holdings San Jose, LLC, a California limited liability company

hereby GRANT(S) to  
Speno Enterprises LP, a California limited partnership

that property in City of San Jose, Santa Clara County, State of California, described as:  
\*\*\* See "Exhibit A" attached hereto and made a part hereof. \*\*\*

Date: October 16, 2014

Sumo Holdings San Jose, LLC, a California limited liability  
company

By:   
Kumarakulasingam Suriyakumar, Managing Member

# Exhibit C



739 W. Julian Street

August 31, 2015

Front of Building 1/ Rear of Building 1





739 W. Julian Street

August 31, 2015

Secured Front Door Building 2/ Secured Rear Wall Building 2





1  
2 **PROOF OF SERVICE**

3 CASE NAME: City of San Jose v. Speno Enterprises LP Speno Enterprises LP  
4 Agent for Service of Process: Anthony Speno

5 I, the undersigned declare as follows:

6 I am a citizen of the United States, over 18 years of age, employed in Santa Clara  
7 County, and not a party to the within action. My business address is 200 E. Santa Clara  
8 Street, San Jose, California 95113, and I am employed in the county where the service  
described below occurred.

9 On October 28, 2015, I caused to be served the within:

10 **SUMMARY ABATMENT**

11 **739 WEST JULIAN STREET, SAN JOSE CA 95126**

12 ☒ by MAIL, with a copy of this declaration, by depositing them into a sealed envelope,  
13 with postage fully prepaid, and causing the envelope to be deposited for collection  
14 and mailing on the date indicated above.

15 I further declare that I am readily familiar with the business' practice for collection and  
16 processing of correspondence for mailing with the United States Postal Service. Said  
17 correspondence would be deposited with the United States Postal Service the same  
18 day listed above in the ordinary course of business.

19 I further declare that the name and address as shown on the envelope is as follows:

20 Parties Served:

21 Speno Enterprises, LP Agent for Service  
22 of Process: Anthony Speno  
23 2300 Geng Road #200  
24 Palo Alto, CA 94303

Speno Enterprises LP  
650 Spring St  
Santa Cruz, CA 95060

25 I declare under penalty of perjury under the laws of the State of California that the  
26 foregoing is true and correct. Executed on **October 28, 2015** at San Jose, California.

27   
28 Karla J. Cáceres  
Staff Specialist